

## REMARKS

With regard to Claim Objections of paragraph 3 – “Claim 1 is objected to because of the following informalities: The phrase "said" in line 7 should read "each". Appropriate correction is required”.

Response:

Regarding the objection to claim 1 set forth in paragraph 3 above, it is not clear where that term is in the claim.

The phrase “said” in line 7 means a total treating region to the trunk having 1204 square inches covering all areas around the trunk in 28” wide and 43” long is being divided into at least 3 subregions---, therefore, correction to “each” is incorrect and unnecessary.

With regard to Claim Rejections -35 USC § 1034 – “The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action”:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Response:

Please refer to the case of the Court ruling in W.L.Gore & Associates, Inc. v. Garlock, Inc., 220USPQ 303, 312 (Fed. Cir. 1983), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. § 103, which is cited on the last paragraph of the last page of the Remarks.

With regard to paragraph 5 – “Claims 1-12, 16, 17 and 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. (US 5720,046)”: Lopez et al. ('046) teach a method of treating and alleviating afflictions, ailments and diseases holistically by application of magnetism to a plurality of treating regions of the trunk (see abstract, Figures 3-5, 12, 14, 16a-16c and 19a);

Abstracted figures are shown below for easy identification and comparison.



Fig 3 & 5

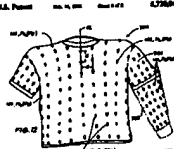


Fig 12

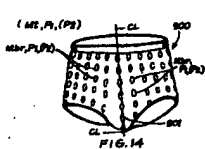


Fig 14



Fig 16a

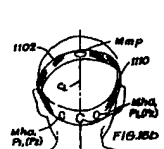


Fig 16b

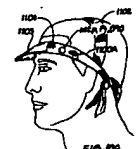


Fig 16c

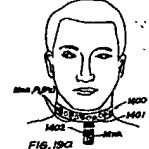


Fig 19a

\*\*the method comprising designating a total treating region, wherein said treating region being divided into at least 3 sub-regions (see Figure 1 and column 5, lines 57-65);

Extracted reference of Figure 1 and column 5, lines 57-65:

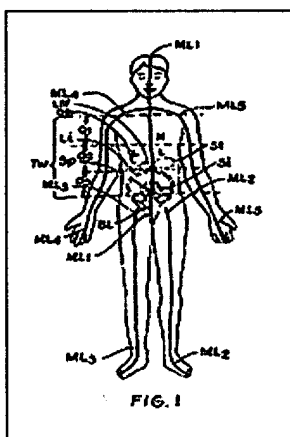


FIG. 1 shows a frontal view of a human body diagrammed illustrate shiatsu regions of the human anatomy. The diagram includes body meridian lines ML(1- 5), shiatsu body points for the body region known as the triple warmer Tw, which includes organ regions 01 (heart H), 02 (liver Li, lungs L, stomach St) and 03 (large intestines Li, small intestines Si and spleen Sp) that are the target for being magnetically exposed or impacted by the magnetic structure in the humanwear merchandise of the present invention.

Response:

Triple Warmer Meridian is a positive meridian with an ascending flow of energy running from the hand to the head. The meridian commences at the tip of the third finger, mounts the back of the arm to pass the shoulder and up the neck to the head where it contours the ear and the temple to end at the outer edge of the eyebrow, and it has twenty-three bilateral points. Its opposite negative meridian is Pericardium meridian with a descending flow of energy running from the chest to the hand, and has nine bilateral points. These two meridians are work together as a pair to maintain their balance of the dual energy system of positive and negative energy force. However, these two meridians with "fire" element do not have specific organ assigned to or control, unlike other main meridians of the body organs, so, they are not directly related to any organs of the trunk or body and they are mainly utilized in five element functions by using 5 element points disposed in the hand and arm regions.

With regard to the Triple Warmer regions 01, 02, and 03 of Fig 1 of Shiatsu diagram, the Triple Warmer meridian commencing at the tip of the third finger branches at CHEON RYO POINT located on the shoulder is connected to three ocupoints of the Conception meridian on the vertical median line of the front side of the body with an ascending flow of energy running from the perineum to the chin - "Jeon-Jung" located between the nipples, "Jung-Wan" located mid-distance between navel and plexus, and "Eum-Gyo" located right below the navel and these points are also called as upper triple warmer point, middle triple warmer point and low triple warmer point. Although these ocupoints of the Conception meridian are connected to the Triple Warmer meridian branch they are not capable of treating any condition involving energy imbalance and disorder of Triple Warmer meridian, and do not affect any influence to other organs in treatment, and the functions of these ocupoints are limited for conception meridian to treat typical ailments such as following:

1. "Jeon-Jung":  
Cardiac pain, Chest pain, Mastia, Takicardia, Pleuritis, Angina Pectoris. Also works as alarm point for pericardium meridian.
1. "Jung-Wan":  
Acute & chronic gastritis, acute & chronic enteritis, Gastric ulcer, stomach spasm, Hyperacidity, Dyspepsia, Diabetes. Also works as alarm point for stomach meridian.
2. "Eum-Gyo":  
Dysmenorrhea, Colic, Impotence, Peritonitis, Nephritis, Diarrhea

As described above, there is no such "Triple Warmer Regions" used for acupuncture treatment in the Oriental Medicine, however, it may be used by massage practitioners for their convenience to have kneading, stroking, tapping or rubbing effects more collectively for the area or regions by using those three acupoints of Conception meridian located appropriately for the massage purpose. However, they do not provide any means of energy balance effect for any and all meridians of the front and backside of the body simultaneously. Therefore, in conclusion, the treating regions of Lopez et al are massage effect regions, and the regions of present invention are balance therapy regions for element meridians of the front and backside of the body. So, it is a matter of how the meridians of five elements are utilized by magnets to achieve a balanced state

of energy flow orientation for all element meridians of the entire body, and it is not how acupressure points and Shiatsu meridians are utilized by magnets for therapeutic exposure for lesions and localized pain areas of the body portions.

FIG 2 is extracted to show the backside of the body is one region for Lopez et al.

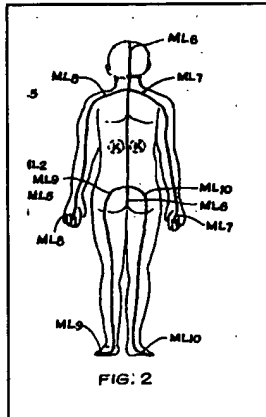


FIG. 2 shows a backside view of a human body also diagrammed to illustrate shiatsu regions of the backside of the human anatomy, including body meridian lines ML (6-10) and shiatsu body points for the kidneys, that are the target for being magnetically exposed, or impacted by the magnetic structure in the humanwear merchandise of the present invention.

Fig 2 illustrates the Shiatsu regions of the backside of the body with shiatsu meridian lines and shiatsu body points for the kidneys, that are the target for being magnetically exposed, or impacted by the magnetic structure of the human wear merchandise. So, the backside is one region with the kidney body points and shiatsu meridian lines for targeted magnetic exposure, which seems to be ideal lay out for massage practice, but the single region of the massage is not capable to produce energy balance for acupuncture meridians in the treating regions. Also, please note that according to acupuncture practice there is no acupoint located on the backside of the body trunk for treating ailment of kidney, and there is only one element acupoint located at calf that is used for treating kidney nephritis, except using the energy balance technique for the respective meridians of five element functions. Present invention uses three treating regions for the backside in same way as front side in unity divided by a horizontal line all the way around the body trunk thru the points of plexus and navel for chest, upper abdomen and lower abdomen including the regions of **upper back, middle back and lower back** of the backside of the trunk (not reflected in the claims and also not spelled out precisely in the specification by mistake, see Fig 1-2, page 8, lines 12-17 and page 9, lines 2-12) in which condition magnets are applied directly to the skin tissue all the way around the trunk in horizontal order with total flux equation to bring the meridian energy system into a balance and harmony which is vital to the treatment of chronic afflictions

and ailments of whole body concurrently and totally without causing side effect. Therefore, the method of use thereof is all geared into a balanced treatment of meridian for balancing the flow of the dual energy systems of the body.

**\*\*providing magnet means having at least one north pole surface adapted for application to the plurality of treating regions of the trunk; applying a north pole surface of a magnet to at least one of a plurality of treating regions of the trunk (see Figure 12 and column 8, lines 8-19 and Fig 20 and column 8, lines 54-61);**

Abstracted reference of Fig 12, column 8, lines 8- 19:

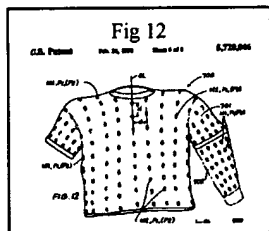


FIG 12 shows human torso-worn garment merchandise in the form of a T-shirt 700 having an embedded magnetic structural arrangement Mt distributed evenly, as depicted by spacing d, in an orderly fashion throughout the body of T-shirt, including short sleeves 701, or alternatively on long sleeves 702, substantially as shown. The inwardly directed polarity of magnets Mt is preferably all the same polarity, i. e., all P1, or all P2. Upon T-shirt being worn by a human, the underlying regions of the upper torso and arms are magnetically exposed by the permanent magnets Mt. The exposure is believed to therapeutically impact the upper torso and arms.

Abstracted reference of Fig 20, column 8, lines 7-18:

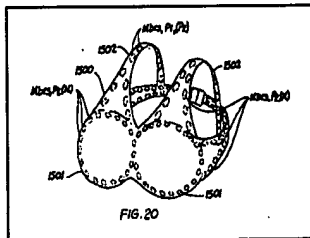


FIG. 20 shows human torso-worn garment merchandise in the form of a brassiere 1500 having an embedded magnetic structural arrangement in the form of a plurality of permanent magnets Mbrs. Preferably, each magnet is oriented having the north polarity P2 (N) positioned inwardly around cup positions 1501 and having either polarity P1, or P2 oriented inwardly along the outer edges of the straps 1502, substantially as shown.

Response:

For the argument to the use of North Pole, there is no such descriptive phrase of "providing magnet means having at least one North Pole surface adapted for application to the plurality of treating regions of the trunk" in the abstracted reference of Fig 12 and column 8, lines 8-19, and Fig 20 and column 8, lines 54-61 of Lopez et al.

**\*\*contacting the magnets directly to the treating regions of the trunk by using a proper band, wrapper or cover with magnets sewn-in or encased in any shape of form appropriate to fit the treating regions of the trunk of a person (see abstract Fig 12 and column 8, lines 7-18);**

Abstracted reference of Fig 12, column 8, lines 7-18:

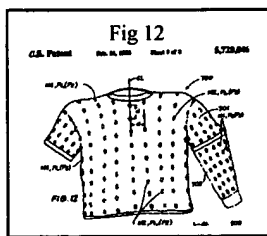


FIG 12 shows human torso-worn garment merchandise in the form of a T-shirt 700 having an embedded magnetic structural arrangement Mt distributed evenly, as depicted by spacing d, in an orderly fashion throughout the body of T-shirt, including short sleeves 701, or alternatively on long sleeves 702, substantially as shown. The inwardly directed polarity of magnets Mt is preferably all the same polarity, i. e., all P1, or all P2. Upon T-shirt being worn by a human, the underlying regions of the upper torso and arms are magnetically exposed by the permanent magnets Mt. The exposure is believed to therapeutically impact the upper torso and arms.

In response, Fig 12 above shows no such method of contacting the magnets directly to the treating regions of the trunk by using a proper band or wrapper in such way to maintain the magnet(s) in contact to the skin of the trunk at a healing position of well contact, but, instead, it shows only how to place or embed the magnets to the T-shirt of torso-worn garment merchandise, which is not applicable to the trunk method of present invention.

Also, T-shirt region of Fig 12 is useless for present invention because the shape of T-shirt covers a plurality of treating regions of arm, shoulder and neck, besides trunk regions, involving meridians of hands and feet that are conflicted one another causing a confusion and imbalance for the affected meridians, not to mention the use of both poles of North and South endangering patients by getting worse and side effects. As for evidence, present invention excludes the regions of neck, shoulder and arm from the trunk region as shown in Fig 2 of the present invention, see abstracted Fig 2 on page 19 of this draft.

**\*\*the total flux of the magnetic means applied to the at least one of the treating regions of the trunk being in the range from about  $30(\phi)$ - $250,000(\phi)$ ;**

Response:

There is no evidence of using total flux equation formula by Lopez et al (0460, instead Lopez et al uses 800 gauss magnets of limited healing power for the magnetic T-shirt. See page 13-16 of the Remarks for detail explanation of total flux equation.

**\*\*but they do not teach a method of treating and alleviating afflictions, ailments and diseases holistically by application of magnetism to a plurality of treating regions of the trunk of a person being treating comprising maintaining the magnet in contact with at least one of the treating regions of the trunk for a period of 15 to 180 minutes to heal and relieve afflictions;**

**repeating the application of the magnet for at least one additional period of time;**

repeating the time period for treatment at least once in a 24-hour period in an interval of about 2-10 hours in accordance with treatment process;

applying the magnet means to treating regions of the trunk of a person concurrently, wherein a total flux of the magnet means applied to the treating regions of the trunk is substantially equal.

It would have been obvious to one of ordinary skill in the art at the time of the invention to determine through routine experimentation an appropriate time to achieve healing and relieving effects for afflictions, including the time in the range Applicant provides in the claims.

Response:

Please refer to the case of the Court ruling in *W.L.Gore & Associates, Inc. v. Garlock, Inc.*, 220USPQ 303, 312 (Fed. Cir. 1983), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. § 103, which is cited on the last paragraph of the last page of the Remarks.

With regard to Response to Arguments of paragraph 6 – “Applicant's arguments with respect to claims 1-12,16,17 and 20-31 have been considered but are moot in view of the new ground(s) of rejection”:

Applicant states that Lopez et al. ('046) do not "teach such method step, like "designating at least three treating regions of the trunk".

1) Division of the trunk into 3 treating regions based on the balance concept of meridians.

2) Utilizing separate magnet means for each regions of the trunk.

3) The application of the magnet means only to a portion of the trunk."

However, Examiner states that Applicant does not claim a method of using **balance concept of meridians**.

Response:

Claims 1,4 and 5 have been amended in accord with Examiner's position for using a method of balance concept of meridians.

Further, Lopez et al. ('046) teaches merchandise in the form of torso-worn garments provided with a magnetic structure for affecting therapeutic magnetic exposure when worn by a human user (see column 2, lines 32-37).

Extracted reference of Lopez et al (046), column 2, lines 32-37.

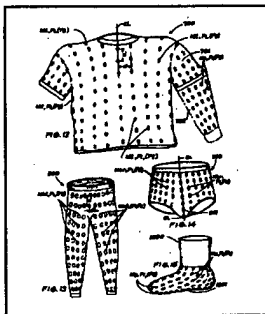
A particular object of the present invention is to provide merchandise in the form of torso- worn garments provided with the magnetic structure that corresponds to selected acupressure regions and points on the human torso for affecting therapeutic magnetic exposure when worn by human user.

Response:

Two many acupoints are targeted by magnetic T-shirt.

Number of Acupoints of targeted areas of shiatsu massage regions of Lopez et al (046) are about 300 acupoints and their functions by acupuncture needle are all unique and different which requires a precise needling to the correct location of points using prescription of punctuation order for selected acupoints needed for its function based on ailments and its condition, otherwise, no result is achieved. Therefore, high skill of acupuncture technique is required for effective treatment without causing side effects. With this in mind, how can the magnetic T-shirt affect precisely to the small tiny points of more than 300 acupoints by the magnetic exposure with the size of magnets of Lopez et al without using the acupuncture prescription to affect the unique functions of each of 300 acupoints with no confusion and chaotic? Thus, the effectiveness and the result are questionable, and thus there is no actual products introduced or marketed yet to my knowledge.

The incorporated magnetic structure corresponds to at least three designated regions of a trunk (shiatsu meridian lines), and provide even contacting with at least one of the treating regions of the trunk, spaced apart at an equal distance, in horizontal order all the way around the region (see Figures 12-15).



Abstracted Figures 12-15 of Lopez et al (046)

Response:

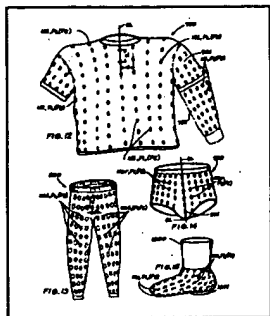
With regard to at least three designated regions of a trunk (shiatsu meridian lines), please see Triple Warmer regions, page 2-4 of the Remarks, for detail response.

With regard to "provide even contacting with at least one of the treating regions of the trunk, spaced apart at an equal distance, in horizontal order all the way around the region (see Figures 12-15)", this explains nothing more than its method of magnet disposition and placement to the T-shirt of magnetic garment wears, and it does not provide or teach any means of direct contact of magnets to the skins of the areas of treating regions of the trunk for a balanced treatment of meridians of the body trunk of front and backside using total flux equation formula with an equal total flux, treatment time period, treatment



session interval and horizontal band or wrapper with magnet placement of equal distribution and well contact.

With regard to the "balance concept" of the Lopez et al. ('046) teaching, the magnetic exposure is believed to assist stressed cells in restoring their correct balance of electrical charge for performing more efficient healing/therapy (see column 1, lines 44-50).



Extracted reference of Lopez et al (046), column 1, lines 44-50:

The apparent premise for the merchandise provided with the magnetic structure is to place a permanent magnet such that body cells are exposed to a low-level magnetic field emitted from the permanent magnets. The magnetic exposure is believed to assist stressed cells in restoring their correct balance of electrical charge for performing more efficiently, see undated article by Japan Life Products. Entitled: "Spreading Good Sleep Around the World".

#### Response:

The theory of "balance concept" by the context of the phrase "stressed cells in restoring their correct balance of electrical charge" does not have any implication or relationship with five (5) element rules and dual energy systems of negative and positive meridians of Oriental medical theory for meridian energy balance (see enclosed text of Oriental Medicine, page 12, line 11-24, and page 13, line 21-29). However, the theory of Lopez et al with "cells correct balance of electrical charge" is believed to be related to the ATP recharge process of cells Anabolism and ADP process of Catabolism, and there is no indication of any relationship in terms of meridian system and meridian energy balance.

According the invention, the reaction phenomenon in response to the magnet application is occurred only when magnet is attached and maintained in contact with surface of skin, which is beneficial phenomenon for healing local ailing parts or lesion, otherwise, no impact is occurred to the cells or body parts by non-contacted magnetic exposure or magnetic field. With same phenomenal reason, for an example, the Geomagnetic filed of 0.6 gauss surrounding the surface of the Earth in which human being lives does not impact any affection to the cells of living life in terms of cells electrical charge, and in addition, the 25 years research resulted in same finding, which is easily verifiable instantly by observation at site with following example - cuts, wounds, bruises and its pain are healed effectively by direct-contacted magnet to the lesions but they do not heal by magnetic exposure of non-contacted magnet of magnetic field.

Japan Life Product is a Japanese commercial company-selling magnet sleeping products. They publish Japan Life Product magazine for advertisement. Their claim "to assist stressed cells in restoring their correct balance of electrical charge for performing more efficient may be of no authoritative without scientific data supported by "Blind Placebo Study".

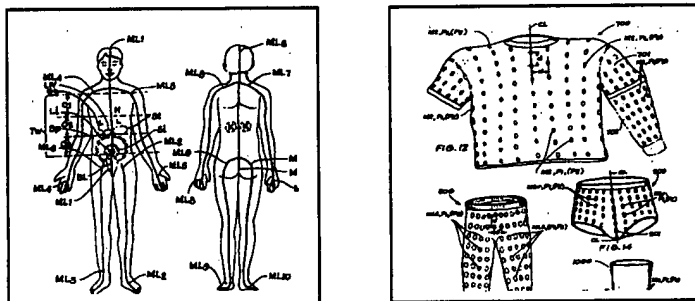
Also, please note for your information that there are many negative responses of side effects reported by many users of magnetic sleeping products, and the reason for the side effects is the lack of mechanism for restoring the energy flow balance for the meridian systems of the body.

Further, Applicant argues that treating regions of Lopez et al. ('046) are not specifically designated, using the body parts of humanwear as treating regions, which do not produce total healing effect of pain relieved for whole body concurrently in 15 minutes to 3 hours;

contact magnets to the clothing of T-shirts, brief, pants, gloves, etc., is used for effecting therapeutical magnetic exposure against acupressure points, but no specific effectiveness claimed or disclosed.

Examiner states that Lopez et al. ('046) teach therapeutic exposure of the plurality of magnets on selected (body) regions, and **the result of such therapeutic exposure is healing, alleviating afflictions, ailments and diseases**. Plurality of magnet means are adapted for application to the plurality of treating regions of the body as shown on Figures 1, 2 and 12-15.

Extracted reference of Figures 1, 2 and 12-15:



Response:

1. Lopez et al ('046) teaches only therapeutic exposure of the plurality of magnets on selected (body) shiatsu massage regions by using magnetically structured garment wear of T-shirt, but did not teach anything of contacting magnets directly to the skins of the selected regions of the trunk structured based on the acupuncture meridian systems for balanced treatment of the meridians by using

total flux equation formula in selection of appropriate healing power and treatment time period for treating all conditions of afflictions and ailments including chronic nature that are related with energy imbalance and disorder of the meridian systems. Therefore, the result of such therapeutic exposure by magnetic T-shirt is ineffective and not healing or alleviating afflictions, ailments and diseases. Thus, the use of word or phrase "the result of such therapeutic exposure is healing, alleviating afflictions, ailments and diseases" is not appropriate in this case that would be deceptive and misleading for public with such vague claims of no specific result for effectiveness. See Comparison Chart for Functionality and Characteristics presented at later part of the Remarks (pages 24-27) for credibility and effectiveness.

2. "Treatment or healing of Afflictions, Ailments and Diseases holistically" signify a meaning of treating sicknesses involving all levels of severity of ailing conditions from mild to acute severity including chronic nature, and this is what it meant by the Title of present invention, and the method of treatment thereof is possible only by utilizing the condition of five element meridian rules applied or met for the regions to treat and the use of total flux system. Therefore, where the five element meridian rules and total flux system are not applied like the case of Lopez et al, the method of such treatment is not possible and also the result thereof is negative healing and ineffective. See Comparison Chart for Functionality and Characteristics on pages 24-27 of the Remarks.
3. However, the method of Lopez et al. ('046) is fundamentally lack of five (5) element rules and functionality for the meridians and acupressure points and thereby all afflictions, ailments and diseases related with meridian imbalance and disorder are not healed or alleviated, particularly, when using magnetic clothing wears where magnets are allowed for move around loosely and not attached and not maintained in contact with the surface of the skin or acupoints for appropriate time period, in this case acupoints or acupressure points are not affected for its function. See Specification of present invention, page 12, line 27-30 and page 13, line 1-8.

4. Further, Lopez et al uses both Poles of magnet confusing meridians and acupoints, because, with magnetic attraction by the Pole orientation, Negative side is always penetrating or pushing away a blockage or circulation hindrance meaning "calm down", "sedation" or "healing", and Positive side is always gathering or pulling-in to cause a blockage or hinder a circulation meaning "tonicity", "excitement" and more inflamed - this is the reason why South Pole should not be used on pain or inflammation as it stimulates more pain and getting worse, thus should not be used together with North Pole for pain healing purpose as well as balance effect for meridians. But, South Pole has other usage in rehabilitation after a surgery operation for recuperation and restoration of strength only after completely healed and no ailment remains in the body. See Griffin et al Patent 4,587,956, column 1, lines 10-14, column 2, lines 3-6, and Woo ('569) column 3, lines 44-47.
5. Furthermore, the body parts of treating regions used for magnetic garment wears of T-shirt and Pant are all for non-element acupoints areas where have no impact to affect the energy flow state of element meridians and respective organs, which means "ineffective" in terms of treating organs related with the meridians in imbalance and disorder.
6. Accordingly, the application of magnets to the Shiatsu regions of human body by the use of magnetic clothing of Lopez et al ('046) is assumed to be nothing more than applying magnetic field to any parts of acupressure point of the body for massage purpose because no five element rules are applied for main meridians and acupoints and no balance concept is applied for the dual power systems of negative and positive meridians, and conflicted South Pole magnets are used with North Pole to confuse the energy flow for the meridians.
7. In addition, acupoints and skin of the body are reacted for its function of healing only when the magnet is attached and maintain in contact with surface of skin or acupoints at a healing position for appropriate time period, otherwise, no response for its function. The magnet contact under present invention means clearly that magnets are attached and

maintained in contact with surface of skin or acupoints at a healing position (means well contact) (see page 12, line 27 -page 13, line 8) for a appropriate time period (see page 13, line 17 -27), which is an essential element required for controlling meridian balance and healing effectiveness in accordance with present invention and the theories of Acupuncture practice of Oriental medicine. Accordingly the present invention is subject to the rules and principles of the Oriental medicine, which must be complied with in practice of balance concept for meridians and treating regions, and thus any deviation certainly leads to a failure of ineffectiveness and inoperative with unwanted side effects.

Further, Applicant argues about "the concept of the energy balance of the human body", but this concept is not in the claimed subject matter.

Response:

Claims 1, 4 and 5 have been amended to reflect the use of the method of energy balance concept for meridians.

Examiner further states that Lopez et al. ('046) use magnets of 800 gauss with the size of 0.03"0 x 0.05"T to 2.0"0 X 0.5"T which provide the **total flux of 200 gauss** for each magnet, and for the area of the trunk the total flux will be in the range from about  $30(\phi)$  -  $250,000(\phi)$ .

Response:

First of all, the above argument for total flux versus gauss and the range of the total flux interpreted for the area of the trunk by Examiner is totally incorrect.

The argument is hardly understood for what it meant by "total flux of 200 gauss for each magnet, and for the area of the trunk the total flux will be in the range from about  $30(\phi)$  -  $250,000(\phi)$ ".

Total flux is identified by the symbol of " $\phi$ " for each magnet and never use "gauss" to signify total flux. Also, the range of total flux from  $30\phi$  -  $250,000\phi$  represents total flux used for each magnet and does not mean or signify a sum of total flux used for the area of the trunk.

The equation for gauss and total flux is explained as follows:

$$\text{Total flux}(\phi) = \text{gauss}(B) \times \text{area}(\text{cm})^2(A)$$

$$\text{Gauss} \quad (B) = \frac{\text{maxwell} \quad (\phi)}{\text{area}(\text{cm})^2(A)}$$

Total Flux( $\phi$ ): The total quantity of lines of flux that exist in a given area.

Gauss(Br): The cgs unit of magnetic induction.

Area(A): The cross sectional area of a particular volume of space.

Maxwell: The cgs unit of total magnetic flux.

#### Magnetic

Induction(B): The flux per unit area measured at right angles to the direction of the flux.

Flux Density(B): Lines of flux per unit area.

Gauss is the cgs unit of magnetic induction (the flux per unit area measured at right angles to the direction of the flux) measured in cgs (centimeter-gram-second) system and used to identify flux density of magnet symbolized by "B" or "Br".

CGS system represents Maxwell per square centimeter (CM<sup>2</sup>) for total flux while English system represents Maxwell per square inch (in<sup>2</sup>) for total flux and mks system represents Weber per square meter (m<sup>2</sup>) for total flux, see enclosed Magnetic Units Conversion Factors.

As illustrated above, total flux is calculated for each magnet by multiplying magnet gauss and the cross sectional area of a particular volume of space of the magnet. Gauss is determined by properties of materials used for a particular magnet, so the gauss of a magnet is never changed by change of its size or total flux, but total flux is changed by change of magnet gauss and size. Thus, once the gauss of magnet is limited by 800 gauss, the total flux calculated thereof is also limited by 800 gauss and there is no other option for selection of appropriate total flux of healing power in treatment of ailments with various condition of severity that takes different healing power of total flux.

Healing power is determined by the level of total flux - higher the better and lower the lesser in effectiveness, and higher the faster and lower the slower in treatment time. Therefore, the effectiveness and treatment time period are easily adjusted by simply changing the total flux to a level of desire appropriate for the type of ailment and its condition of severity. Thus, using the total flux in a range of 30 $\phi$  - 250,000 $\phi$  by the equation formula provides a wide selection of magnet gauss available in the industry ranging from 100Br - 13,000Br and above and a variety of magnet size volume available with an appropriate healing power of total flux for targeted ailment and affliction. A Total Flux Chart is enclosed for information and reference.

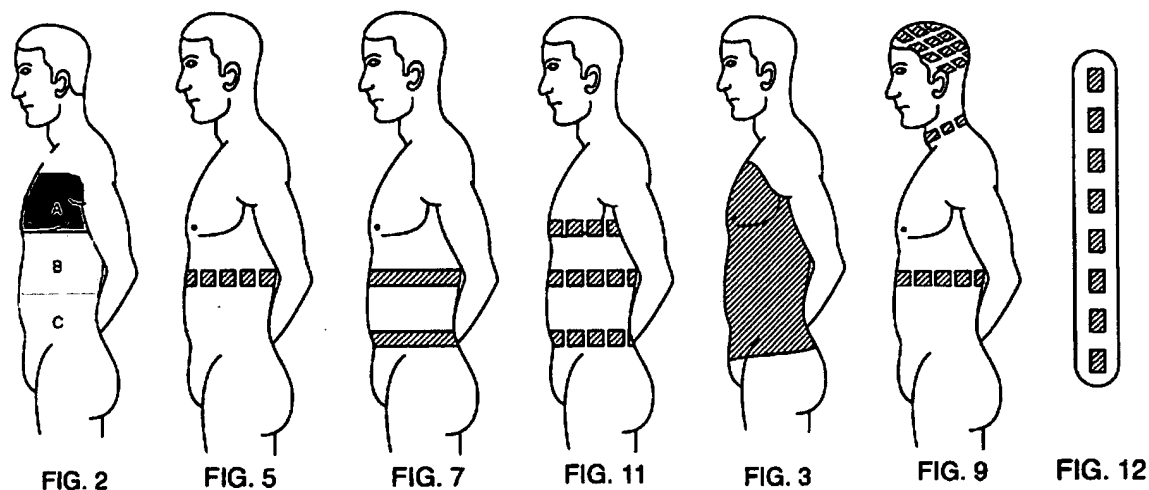
The method of Lopez et al ('046) uses magnets of 800 gauss with the size of 0.03"D x 0.05"T to 2.0"D x 0.5"T, thus the range of healing power is limited by 800 gauss and its size producing a range of up to only about 500 $\phi$  for each magnet used and no other option is available in selection of various levels of healing power and treatment time period. There are reasons behind for those limitations set by prior art of conventional method because the problems of adverse events of side effects are occurred naturally as a natural event when the stronger magnets of higher total flux are used without any mechanism of restoring the energy flow balance of the meridians and treatment time period. This is a fact well known to the industry for long time. Also, establishing a treatment time period based on total flux is very important in the magnetic treatment, which provides time period of healing and relieving of afflictions of ailments and diseases and preventing unwanted side effects caused by over-treatment impact of meridian imbalance. Therefore, the method of present invention using total flux equation formula provides a flexibility of options to select and control all levels of healing powers and treatment time period within a range of 30 $\phi$  - 250,000 $\phi$  based on type of ailment and its severity, meridians involved, size of treatment area or region to apply, weight of magnet and treatment progress, etc., so as to meet a practical challenge of treating various levels of sickness from a mild to a severe condition under all situations of imbalance and disorder of the meridians, and enabling to handle all levels of severity of the afflictions and ailments with a desired healing power level of effectiveness in safe without causing any side effects.

The following guideline for the use of total flux has been established based on applicant's research and experimentation that was disclosed in US Patent 5,529,569, Jun 25, 1996 by the applicant. Thus, **the use of Total Flux is considered to possess a merit and therefore, should be protected for its novelty.** A total flux chart is enclosed for information and reference.

<u>TOTAL FLUX(@ X=.001")</u>	<u>POWER CLASSIFICATION</u>	<u>APPLICATION</u>
15,000 & below	Low Power	minor cuts, Light wound Headache, mild pain
15,001 -100,000	Medium Power	Bruise, Wound, Cut, Constipation, Pains, Digestion, Breathing, Headache, Insomnia, Stress, Inflammation, Not chronic diseases, Healing, etc.
100,001 -above	High Power	All of the above & Chronic diseases



**Figures of present invention of WOO for quick reference:**



Presented below is the Comparison Chart for Functionality, Characteristics and meridians for evaluation of "obviousness" between Lopez et al and the present invention of Woo.

A total of 88 items are used for comparison, but surprisingly, only one item is in similarity and 87 items are all different, which reveals 99% difference in all aspects of functions and characteristics. Therefore, present invention should not be construed as "obviousness" against Lopez et al.

**COMPARISON CHART**  
Functionality & Characteristics

	Lopez et al	Present Invention
Balancing Meridian Energy Flow	No	Yes
Imbalance Treatment Impact	Yes	None
Effectiveness	Question	Yes
Pain Relief – Pain Scale 1-10	Unknown	1-8
Sedative Effect	Unknown	Yes
Gauss Range	800Br	100Br – 13000Br & above
Total Flux Range	Not applicable	10 $\phi$ – 250,000 $\phi$
Side Effect	Yes	No
The impact region of magnetic exposure	Whole trunk region	A portion of trunk region
No of treating regions	3 regions in front & 1 region	3 regions in unity: Chest & upper back, and

	in backside	upper abdomen & middle back and lower abdomen & lower back
Structure of Regions	Front side trunk is divided into 3 regions by triple warmer point of shiatsu meridian And Backside trunk is one region	Trunk of front and backside is divided into 3 regions by drawing a line through the point of plexus and navel all the way round the entire trunk
Use trunk region together with the method of head, neck and extremity concurrently in safe without adverse event or side effect	No	Yes, more effective and safer
Chronic Pains & Ailments	No	Yes
Bruise and Hematoma (bleeding)	No	Yes
12 Main Meridians Adjusted	No	Yes
Direct Relief From Pain Spot	No	Yes
Total Pain Relief for Entire body	No	Yes
Treatment time	Unknown	15 minutes – 3 hours
Direct Contact of Magnet to Skin	No	Yes
Acupoints are used	No	No
Number of acupoints affected per when treated	About 300	About 20 - 60
Massage points are used	Yes	No
Acupuncture Meridians used	No	Yes
Massage Meridians used	Yes	No
Triple Warmer Regions used	Yes	No
Treating Regions applied in balance for meridians	No	Yes
Effectiveness of partial regional application	No	Yes
Repeated treatment without side effect	No	Yes
Side Effects or Adverse reaction	Yes	No
Treating all conditions of severity	No	Yes
Equal time of treatment	Unknown	Yes
Equal total flux applied	Unknown	Yes
Time of interval in treatment session	Unknown	Yes 2-10 hours
Magnetic exposure by magnetically structured garment wear merchandise	Yes	No
Magnets are attached to T-shirt for	Yes	No

magnetic exposure to the target areas and regions of Triple Warmer and massage regions		
Use of South Pole energy	Yes	No
Use of North Pole Energy	Yes, use both pole	Yes
Use energy flow orientation	No	Yes
Important organs of heart and lung are protected in treatment	No	Yes
Limitation of gauss in use	Limited 800 gauss	Not limited
Range of limit for magnet thickness	.05"	Not limited
Flexibility of treatment power selection and its range of total flux	No	Yes
Concurrent treatment effect for entire body	No	Yes
Magnet disposition of equal distance and horizontal order	Yes	Yes
Inflammation	No	Yes
Cuts and Wounds healing	No	Yes
Clear of blood clots and bruises	No	Yes
Stomach Ulcer pain	No	Yes
Diarrhea/food poison	No	Yes
Chest pain	No	Yes
Blood pressure	No	Yes
Muscle Spasm	No	Yes
Back pain	No	Yes
Arthritis pain	No	Yes
Nephritis pain	No	Yes
Insomnia – body relaxed and easy	No	Yes
Cold symptom	No	Yes
Sore throat	No	Yes
Neck pain	No	Yes
Shoulder pain	No	Yes
Headache	No	Yes
Migraine	No	Yes
Lumbago	No	Yes
Cystitis pain	No	Yes
Nephritis pain	No	Yes
Hepatitis	No	Yes
Body ache	Unknown	Yes
Bronchitis	No	Yes
Laryngitis	No	Yes
Cough	No	Yes
Neuralgia	Unknown	Yes

## Comparison Chart of Meridians

	Shiatsu ('046) Massage Meridian	Traditional Acupuncture Meridian	Hand/Finger Acupuncture Meridians
Total # of Meridians	10 (Identified as ML, no meridian name)	38	28
# of positive meridian	N/A (not available)	19	14
# of <u>negative</u> Meridian	N/A	19	14
Five element Meridian	N/A	24	24
Five Element acupoints	N/A	120 (24x5)	120 (24x5)
Five Element acupoints location	N/A	In the region of hand/lower arm and foot/lower leg	In the region of fingers/hand
Total acupoints	N/A	730	688
Meridian orientation	Not clear	Yes	Yes Same as Standard
Meridian starting and ending point	Different	Yes	Yes Same principle with Standard
Meridian function by needle	N/A	Yes	Yes Same as Standard
Acupoints function by needle	N/A	Yes	Yes Same as Standard
Massage manipulation	Yes	No	No
Balance adjustment	No	Yes	Yes
Magnet contact at 90 degree angle	No	Yes	Yes
Magnet exposure effect at any angle	Yes on presumption, but not substantiated	No	No
Magnetic clothing wear effect	Yes	No	No
Magnet loose contact allowing move around the skin surface	Yes	No Not allowed	No Not allowed

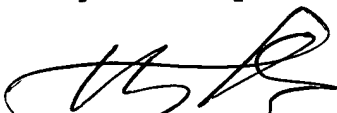
Claims 1-12, 16-17, 20-31 remain and Claims 1, 4 and 5 are amended in accord with Examiner's position for balance concept of meridians, and claims 13, 14, 15, 18, 19, and 32 are canceled.

Examiner admits on page 4, lines 3 et seq. that the Lopez reference does not teach a number of steps in method claims 1-12, 16, 17 and 20-31, arguing that it would be "obvious... to determine through experimentation" the particular steps recited--.

In *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220USPQ 303, 312 (Fed. Cr. 1983), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. § 103. In particular, the Court noted that to "imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference... of record conveying or suggest the knowledge, is to fall victim to the insidious effect of hindsight syndrome wherein that which only the inventor taught is used against its teacher". It is clear that the Lopez reference cited by the examiner does not motivate or suggest to someone skilled in the art that it can be utilized to make applicant's claimed invention obvious without the use of hindsight. Thus it is believed that this rejection should be withdrawn in view of the cited case--.

Should there be any question, the Examiner is requested to call the undersigned applicant at the Los Angeles, California, and telephone number is (909) 468-5147 and 909-444-1126.

Respectfully submitted,



Gilson Woo / Applicant

May 18, 2004

Enclosures:

1. Chart of Magnet Total Flux by Gauss and Size
2. Magnetic Units Conversion Factors

**MAGNET TOTAL FLUX BY SIZE & MATERIAL - CGS UNIT**  
**( @ X=.001" )**

**MAGNET(300 Br)**

Size: 0.5"W x 0.5"L x 0.25"H

**Width Length Height(thickness)**

		<u>0.25"</u>	<u>0.5"</u>	<u>1"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>	<u>5"</u>	<u>6"</u>
0.25"	0.25"	8	9	9	9	9	9	9	9
0.5"	0.5"	24	32	36	37	37	37	37	37
1"	1"	61	99	130	144	147	148	148	148
2"	2"	131	245	399	522	561	577	584	589
5"	5"	336	664	1268	2183	2741	3069	3268	3394
6"	6"	404	801	1550	2770	3599	4132	4477	4706

**MAGNET (5,000Br)**

Size: 1"W x 1"L x 0.5"H

**Width Length Height(thickness)**

		<u>0.5"</u>	<u>1"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>	<u>5"</u>	<u>6"</u>
1"	1"	1660	2175	2401	2452	2471	2479	2484
2"	2"	4094	6661	8710	9353	9616	9746	9819
3"	3"	6458	11541	17215	19603	20716	21302	21643
4"	4"	8776	16382	26656	32021	34856	36459	37432
5"	5"	11070	21142	36397	45682	51152	54468	56571
6"	6"	13350	25838	46176	59984	68879	74628	78439

**REAR EARTH COBALT-18**

**(8700Br,8000Hc,18.0BHmax)**

Size: 1"W x 1"L x 0.5"H

**Width Length Height(thickness)**

		<u>0.5"</u>	<u>1"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>	<u>5"</u>	<u>6"</u>
1"	1"	2900	3800	4200	4300	4300	4300	4300
2"	2"	7124	11600	15200	16700	17000	17000	17000
4"	4"	15300	28500	46400	60600	63400	65100	65100
6"	6"	23000	45000	80300	104400	129900	129900	129900
6"	8"	27400	53400	97200	150500	150500	150500	150500

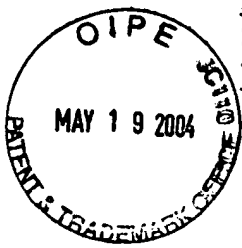
**NEODYMIUM-35**

**(12000Br,11000Hc,18.0HBmax)**

Size: 1"W x 1"L x 1.2"H

**Width Length Height(thickness)**

		<u>1.2"</u>	<u>2.4"</u>	<u>3.6"</u>	<u>4.8"</u>	<u>6"</u>
1"	1"	5400	5800	5900	5900	5900
1"	2"	10100	11400	11700	11800	11900
2"	2"	17500	21700	22900	23300	23600
4"	4"	45500	70200	81400	86900	89800
7"	4"	66800	108500	131000	143500	150800
5"	8"	80800	138100	173100	194100	207100
6"	6"	73100	125800	157900	176800	188300
6"	8"	87100	153500	197000	224500	242000





# Appendix 5

## Conversion Factors

### Magnetic Units: Conversion Factors

Magnetic Parameter	Unit in cgs System	Multiply cgs Unit by Factor Shown to give ...		Unit in mks System	Multiply mks Unit by Factor Shown to give ...		Unit in English System	Multiply English Unit by Factor Shown to give ...	
		mks Units	English Units		cgs Units	English Units		cgs Units	mks Units
Total flux $\phi$	Maxwells (1 Maxwell = 1 line of force)	0.1	1.0	Webers (1 Weber = $10^8$ lines)	10	10	Maxwells (1 Maxwell = 1 line of force)	0.1	1.0
Flux density $B$	Gauss	$10^{-4}$	6.45	Webers/m <sup>2</sup>	$10^4$	$6.45 \times 10^4$	lines/in. <sup>2</sup>	$15.5 \times 10^{-2}$	$15.5 \times 10^{-6}$
Magnetizing force $H$	Oersteds or Gilberts/centimeters	79.6	2.02	Ampere-turns/m	125.7	$2.54 \times 10^2$	Ampere-turns/in.	.4940	39.4
Magnetomotive force $F$	Gilberts	.796	.796	Ampere-turns	1.257	1.257	Ampere-turns	1.257	1.257
Mechanical force $F_p$	dynes	$1.02 \times 10^{-6}$	$2.25 \times 10^{-6}$	Kilograms	.98	$2.21 \times 10^6$	Pounds	$.445 \times 10^6$	.454
Area $A$	Square centimeter	$10^{-4}$	$1550 \times 10^{-4}$	Square meters	$10^4$	1550	Square Inch	6.45	$6.45 \times 10^{-4}$
Length $L$	centimeters	.01	.3937	meters	100	39.37	inches	2.54	$2.54 \times 10^{-2}$
Permeability of a vacuum or of air $\mu_0$	1.0	—	—	$.4\pi \times 10^{-6}$	—	—	3.192	—	—
Work or energy $W_0$	dyne - cm (ergs)	$1.0197 \times 10^{-8}$	$7.736 \times 10^{-8}$	kg/m	$9.820 \times 10^7$	7.233	ft/lbs	$1.355 \times 10^7$	.1383